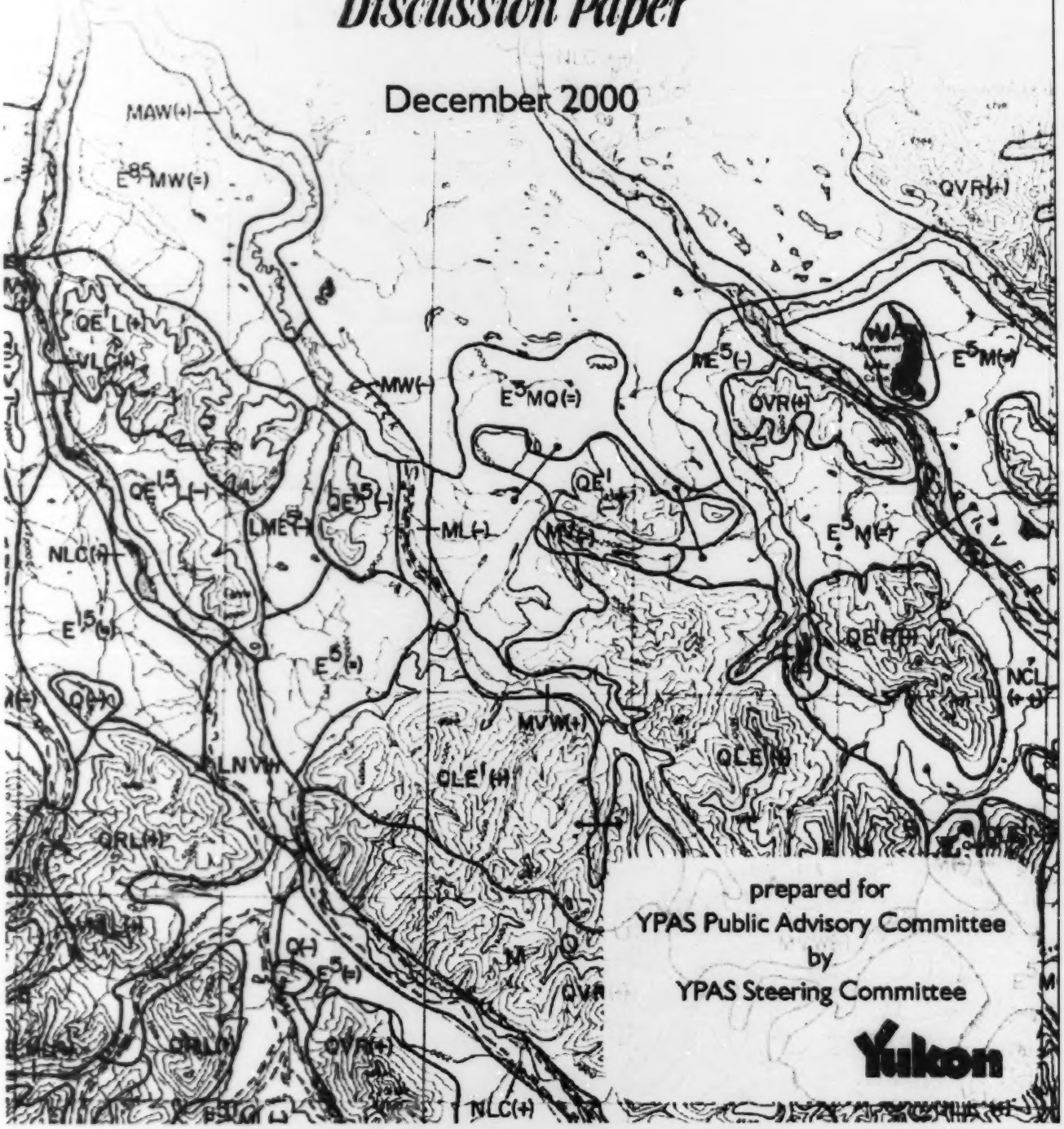
# *Yukon Protected Areas Strategy*

# *Implementation Review*

## *Discussion Paper*

December 2000




prepared for
YPAS Public Advisory Committee
by
YPAS Steering Committee

Yukon

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# YUKON PROTECTED AREAS STRATEGY: IMPLEMENTATION REVIEW

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# YUKON PROTECTED AREAS STRATEGY: IMPLEMENTATION REVIEW

## EXECUTIVE SUMMARY

### INTRODUCTION

The purpose of this paper is to present options and suggest practical and technically sound approaches related to how the implementation of the Yukon Protected Areas Strategy (YPAS) can be improved. In response to a commitment made by the Yukon Government, this paper is being sent to the YPAS Public Advisory Committee for review and recommendations. Yukon First Nations are also being asked to review the paper and to provide recommendations. These recommendations will assist the Yukon Government in making decisions related to implementing YPAS and undertaking the next Goal 1 protected area planning initiative in spring 2001. In addition to this review, every five years the Yukon Government and its partners will assess how well the Protected Area Strategy has been working through a public process.

The focus of this paper is on the establishment of Goal 1 protected areas with specific reference to three key issues related to:

1. Preparing natural, socio-cultural and economic values assessments;
2. Clarifying roles and responsibilities in the YPAS Process to ensure the Strategy is implemented fairly and transparently; and
3. Legislating the Yukon Protected Areas Strategy.

### PREPARING NATURAL, SOCIO-CULTURAL AND ECONOMIC VALUES ASSESSMENTS

Section 2 of the paper provides a brief description of how various natural, socio-cultural and economic values assessments are currently conducted during the key steps in the YPAS Goal 1 planning process. These assessment descriptions are based on methodologies used in other jurisdictions and on the best technical information available in the scientific literature. Whenever possible, these assessments will incorporate traditional and local knowledge. The methodologies will continue to evolve as new and improved techniques and approaches emerge. While these assessment papers, summarized in Appendix 2, will guide the technical work of government departments, they do not necessarily reflect Yukon Government policy with respect to how final decisions are made related to the establishment of protected areas. A technique for compiling these various assessments, the Multiple Accounts Analysis, is described in Appendix 3.

While this section of the paper does not provide specific suggestions or options, comments on the technical aspects of these assessment papers and the Multiple Accounts Analysis technique would be welcomed.

## CLARIFYING ROLES AND RESPONSIBILITIES IN THE YPAS PROCESS

Section 3 of the paper provides a descriptive overview of the roles and responsibilities of the key participants in the YPAS Goal 1 planning process. While not intending to completely redefine these roles and responsibilities, the following suggestions are made with respect to how the YPAS process
can be clarified and modified to ensure a balanced representation of interests:

### The Yukon Government

1) The Yukon Government, through the YPAS Secretariat, is responsible and accountable to advance the achievement of the goals of the YPAS by facilitating and coordinating the planning process and providing technical support to the Local Planning Team. To achieve this role and effectively manage the process, it is suggested that the Yukon Government continue to co-chair the LPT but not participate as a voting member.

2) Achieving balanced representation on the Local Planning Team is a critical factor to successfully implementing the Strategy. To that end, it is suggested that the role of LPT members would be to represent broad public rather narrow constituent interests, and that the Yukon Government appoint members to the LPT based on a list of nominees provided by the key conservation, industry and local interest groups.

### The Local Planning Team

3) Clear direction to and expectations of the LPT are also essential to successfully implementing the Strategy. Therefore it is suggested that a **scoping document** would be prepared by the Yukon Government in consultation with the affected First Nations to establish the planning context, assumptions, goals, principles and key issues to be addressed. Furthermore, **terms of reference** would be drafted by the Yukon Government to identify LPT roles, responsibilities, protocols and operating guidelines. **A work plan** to outline tasks, schedules and budgets, and **communications/consultations plan** to identify audiences, messages and methods would also be drafted. These documents would be reviewed and finalized at the first LPT meeting. LPT orientation and training would also be provided with respect to the goals of YPAS, how the process is implemented and options for public and stakeholder involvement.

4) In addition to receiving clear direction, the LPT will require ongoing input and advice from government related to technical information, assessments and policy positions. To achieve this, an interdepartmental government working group would be established, with its chair participating regularly in LPT meetings as a non-voting member.

### Values Assessments

5) Natural, socio-cultural and economic values assessments are critical components of the YPAS planning process and in protected areas decision making. Clear and transparent methodologies are required to explain how these assessments will be done and incorporated. Section 2 and Appendix 2 of this paper describe how these assessments will be conducted.

### Public Understanding and Participation

6) Effective public understanding of and participation in the YPAS process are other prerequisites for success. To that end, an communication program would be developed to explain the purpose of YPAS and how the process is implemented. Sufficient time will be provided to ensure that all steps of the planning process are conducted in a manner that the public can fully participate. When necessary, an external facilitator would be employed to build consensus among stakeholders.

### Timing of Park Designation

7) Direction is being sought on the question of when a protected area should be legally designated. Currently designation precedes the completion of a management plan, which creates a regulatory and operational vacuum. Therefore, while the process of subsurface withdrawal and land transfer would continue after a protected area is approved, it is suggested that the process be amended to allow management planning to occur prior to designation. An alternate means to address this issue may be to create regulations under the *Yukon Parks Act* that allow for interim operations while a management plan is being prepared.

## LEGISLATING THE YUKON PROTECTED AREAS STRATEGY

Section 4 of this paper describes the requirements to *enable* the Strategy in legislation. The section also considers a number of options to *enshrine* the YPAS process in legislation:

1) There is a need to initially *enable* YPAS by amending the *Yukon Parks Act* to provide an administrative framework to implement the Strategy. Some examples of required administrative changes would include the need to reflect the terminology used in the strategy related to protected area classifications, management plans and zoning.

2) In addition to enabling the Strategy, commitments also have been made to *enshrine* the YPAS in legislation in order to ensure that the process is followed as originally envisioned. Three options are suggested for enshrining the YPAS process:
   1. State the goals and guiding principles of YPAS in legislation and explicitly state an intent and commitment to follow the process described in the Strategy;
   2. In addition to option 1, enshrine the eleven process steps by specifically referencing them by name in legislation;
   3. In addition to option 2, enshrine key aspects of the Strategy, for example:
      - Selecting core protected areas based on ecoregion representativeness, ecological viability, naturalness and research and education values;
      - Identifying the timing of requests for interim withdrawal orders;
      - Committing to completing natural, socio-cultural and economic values assessments; and
      - Avoiding, where reasonable options exist, areas of high mineral potential and development activity.

## ORGANIZATION OF THE DISCUSSION PAPER

The first section of this paper presents a brief description of the Strategy and the current implementation process, and sets the context for this implementation review. This section also discusses the next stages in the review.

The second section discusses the role of natural, socio-cultural and economic values assessments in the YPAS implementation process and how they will be conducted.

The third section presents ideas on how roles and responsibilities of participants in the YPAS process can be clarified and modified to ensure a balanced representation of interests.

The fourth section presents options for legislating the Yukon Protected Areas Strategy.

Three appendices are available as a separate document. The first is entitled *Draft Operating Procedures for the Goal 1 YPAS Process*. The second is a compilation of ten summary reports explaining the details of how the various natural, socio-cultural and economic assessments will be conducted and applied in the YPAS Goal 1 planning process. Throughout the paper, references are made to these appendices to assist the reader when more information or details are desired. The third appendix describes how the technique of Multiple Accounts Analysis (MAA) can be used as a tool to compile and compare the information gathered from all the values assessments and from public consultations.

# YUKON PROTECTED AREAS STRATEGY: IMPLEMENTATION REVIEW

## I. BACKGROUND

> Our shared relationship with the northern land, water, air and life forms defines our character, sustains our spirits and unites us as people of the Yukon. We have a duty to protect the ecosystems and natural processes that support this relationship.
>
> from Vision Statement, *Yukon Protected Areas Strateg*

### 1.1 INTRODUCTION: WHAT IS THE YUKON PROTECTED AREAS STRATEGY?

The Yukon Protected Areas Strategy is intended to be the "umbrella" to coordinate environmental, conservation and protection proposals that come from different government initiatives. The overall goal of the Strategy is to protect the Yukon's unique and rich biodiversity and ecological integrity.

The Strategy is based on adaptive ecosystem management, applied conservation biology, comprehensive values assessments, traditional knowledge and community input. The Strategy also recognizes the principles of ecosystem management to conserve natural processes on lands and waters not put under direct protection. The Yukon Government recognizes the importance of the resource base to the economic interests of Yukon people and respects the concept of sustainable development.

The Strategy is concerned with establishing two types of protected areas:

- **Goal 1 Areas** include a network of representative areas for the Yukon's 23 ecoregions. The Yukon government, through the YPAS Secretariat, actively researches, assesses and coordinates an 11 step process to identify candidate areas to represent these ecoregions. Three main criteria are used to identify Goal 1 areas: representativeness, ecological viability and naturalness. A fourth, research and education, is not addressed at this time. Goal 1 areas are protected from development in order to maintain biodiversity and ecological integrity.

- **Goal 2 Areas** include all other protected area initiatives such as Habitat Protection Areas and Heritage Sites. Protected areas set up under Goal 2 can also contribute to the Goal 1 objective of protecting biodiversity and ecological integrity. The level of protection in Goal 2 areas will vary depending on the objectives of the area. These areas may be nominated and recommended by First Nations, other Yukon Government departments (e.g. Fish and Wildlife Branch, Parks and Outdoor Recreation Branch) and the federal government (e.g. Canadian Wildlife Service).

The Strategy provides a means for the Yukon Government to fulfil its commitments to preserving biodiversity under *Canada's Biodiversit Convention* and creating a scientifically based network of protected areas under the *Whitehorse Mining Initiative.* Furthermore, the Strategy allows the Yukon Government to meet its public trust obligations under the *Yukon Environment Act* (1991) to protect the natural environment for the benefit of present and future

generations, and contribute to sustainable economic development objectives under the *Yukon Economic Development Act*.
In December 1998, the Yukon government approved the Yukon Protected Areas Strategy. The Yukon Protected Areas Secretariat was set up to coordinate the implementation of the Strategy. The first area to be selected and protected under this Strategy was the Fishing Branch Wilderness Preserve and Habitat Protection Area near Old Crow.

While the YPAS process has been approved, it has not yet been enshrined in legislation. Among other issues, this paper will examine options by which this can be done.

## 1.2 CONTEXT OF THE YPAS IMPLEMENTATION REVIEW

Why is the Yukon Protected Areas Strategy being reviewed at this time and what is the focus of this review?

After the YPAS was approved in December 1998, the Yukon Government fast tracked the Fishing Branch protected area initiative. This was done to achieve a number of objectives: demonstrate a commitment to implementing the Strategy, respond to regional concerns of the Vuntut Gwitchin First Nation, and address conservation planning in light of pending oil and gas activities. The Fishing Branch planning process took eight months. Normally, to establish a protected area boundary, the YPAS process requires three levels of planning and approvals over a 12 to 24 month period. Because of the accelerated time frame, some steps in the process were either missed or not performed thoroughly. This led to stakeholder and public criticism of a number of aspects of the Fishing Branch experience.

In response to these concerns, on June 15, 2000, the Minister of Renewable Resources reiterated the Yukon Government's commitment to the goals and principles of the Strategy, to a balanced approach to planning for protected areas and development, and invited the YPAS Public Advisory Committee (PAC) to participate in a review of the implementation of the Strategy based on the following:

- the Fishing Branch experience demonstrated that refinements are required in three areas to implement the YPAS:
  1. ***preparing natural, socio-cultural and economic values assessments;***
  2. ***clarifying roles and responsibilities of the participants in YPAS to ensure fairness and transparency; and***
  3. ***legislating YPAS.***
- Cabinet wants to move to practical solutions to these issues prior to starting the next YPAS planning initiative.

The **YPAS Public Advisory Committee** (PAC) represents a cross section of Yukon interests including the following groups and organizations:

- Association of Yukon Communities
- Canadian Association of Petroleum Producers
- Canadian Parks and Wilderness Society (Yukon)
- Ducks Unlimited
- Fish and Wildlife Management Board
- Klondike Placer Miners Association
- Renewable Resources Councils
- Tourism Industry Association
- Whitehorse Chamber of Commerce
- Wilderness Tourism Association
- Yukon Agricultural Association
- Yukon Chamber of Commerce
- Yukon Chamber of Mines
- Yukon Conservation Society
- Yukon First Nations Tourism Association
- Yukon Fish and Game Association
- Yukon Forest Industry Association
- Yukon Land Use Planning Council
- Yukon Mineral Advisory Board
- Yukon Outfitters Association
- Yukon Prospectors Association
- Yukon Renewable Energy Sector
- Yukon Trappers Association

- A review paper will be developed to address the three key areas described above.

This review focuses on the implementation of the first eight steps of the YPAS process for Goal 1 areas. Steps 9-11, which describe how management planning is done, will be addressed later.

Yukon First Nations have been asked to directly participate in this review by providing recommendations to the Yukon Government on a government to government basis.

This document will provide key information, ideas, options and suggestions for consideration by Yukon First Nations and the Public Advisory Committee. This paper is a resource to assist those involved in the review in responding to the options and preparing recommendations.

## 1.3 NEXT STAGES IN THE IMPLEMENTATION REVIEW PROCESS

Participants in the review include:

- *Yukon First Nations* are being asked to review this paper and to prepare recommendations on how to improve the implementation of YPAS.
- The *YPAS Steering Committee*[1] is coordinating the overall review and has prepared this paper.
- The *YPAS Public Advisor Committee* , as a body representing a broad range of Yukon interests, is also being asked to review this paper and to prepare recommendations on how to improve the implementation of YPAS
- An *independent facilitator* and a *writer/editor* have been contracted to organize and assist the YPAS Public Advisory Committee in preparing its recommendations to the Yukon Cabinet.

Yukon First Nations can provide their comments directly to the Yukon Government. After completing its review, the Public Advisory Committee will have the opportunity to prepare a report of recommendations on how to improve the implementation of YPAS, with the assistance of the facilitator and writer. This report would then be submitted directly to Cabinet for review and consideration by the Yukon Government.

After receiving Cabinet direction, the recommendations for improving the YPAS implementation process will then be implemented as required. Preparations will start immediately thereafter for the legislative changes required to the *Yukon Parks Act* in order to enable and enshrine YPAS.

This document is made up of a number of reports addressing different aspects of the implementation process. Its purpose is respond to the three key issues referenced earlier: the current implementation process, the values assessments requirements at key stages in the planning process and legislative options.

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[1] The YPAS Steering Committee is a senior committee of government representatives that advises the Yukon Government on YPAS implementation. Departments involved include the Yukon departments of Economic Development, Executive Council Office, Tourism, Community and Transportation Services and Renewable Resources; Yukon Development Corporation; and the federal departments of Indian and Northern Affairs, Environment Canada and Parks Canada Agency. The Council of Yukon First Nations has been invited to participate on the Steering Committee and advised that only individual First Nations speak to protected area issues. To that end, the Vuntut Gwitchin First Nation, based on its Fishing Branch experience, is a member of the Steering Committee.

The three appendices are available as a separate document. Appendix 1: *Draft Operating Procedures for the YPAS Process* examines in detail the operating procedures to be followed by government and the Local Planning Team during Steps 1-8 of the YPAS process. Appendix 2 contains the summary assessments reports prepared by the various sectors. These highlight the role of each of the value assessments at the three key stages of the selection process. These reports provide a fuller context for Part 2. The third appendix describes how the technique of Multiple Accounts Analysis can be used as a tool to compile and compare the information gathered from all the values assessments and from public consultations.

In some cases, longer technical reports are also available and are listed in the bibliography along with other reports relating to YPAS. These are available from the Yukon Protected Areas Secretariat or the individual departments that produced these documents.

## 1.4 THE CURRENT YPAS IMPLEMENTATION PROCESS

YPAS Technical Paper #3 provides the framework for the 11-step YPAS Implementation Process for Goal 1 areas.

For the current review, this paper is concerned mainly with the process by which a Goal 1 protected area is established. For more about the planning process and issues arising from this process, see sections 2 and 3 of this paper. Appendix 1 describes the YPAS implementation process in greater detail.

**Guiding Principles of the Protected Areas Strategy**

- Ecological Integrity
- Public Participation
- Partnerships
- Accountability
- Quality of Information
- Coordination
- Respecting all values
- Recognizing economic interests
- Contributing to sustainable development

The next two pages contain a chart and table that provide a helpful introduction to the implementation process. Figure 1 on the following page has been slightly modified from the original in the Strategy document *Wild Spaces, Protected Places*. It gives an overall view of the 11-step process for establishing a Goal 1 Protected Area. The table on page 12, excerpted from Appendix 1, is a more detailed examination of steps 1-8 of the YPAS process showing the role of assessment studies, public consultation and timelines.

## 1.5 SPECIAL MANAGEMENT AREAS UNDER LAND CLAIMS AND YPAS

Special Management Areas contemplated under land claims follow a separate process that is significantly different from that followed by YPAS. Yukon First Nations' Final Agreements contain provisions for the establishment of Special Management Areas (SMAs) with the objective of maintaining important features of the Yukon's natural or cultural environment for the benefit of Yukon residents and all Canadians, while respecting First Nations' rights. These SMAs are established through confidential, tripartite land claims negotiations and are dealt with pursuant to the provisions of the land claim agreements. This claims process is independent of the Yukon Protected Areas Strategy. Tombstone Territorial Park planning is an example of following the land claims rather than the YPAS process. The YPAS process, in identifying future protected areas not provided for in final agreements, will be consistent with the provisions of Chapter 10 of First Nation Final Agreements. Once established, SMAs, in consultation with affected First Nations, will be assessed to determine the extent to which they contribute to achieving Goal 1 protected area objectives.

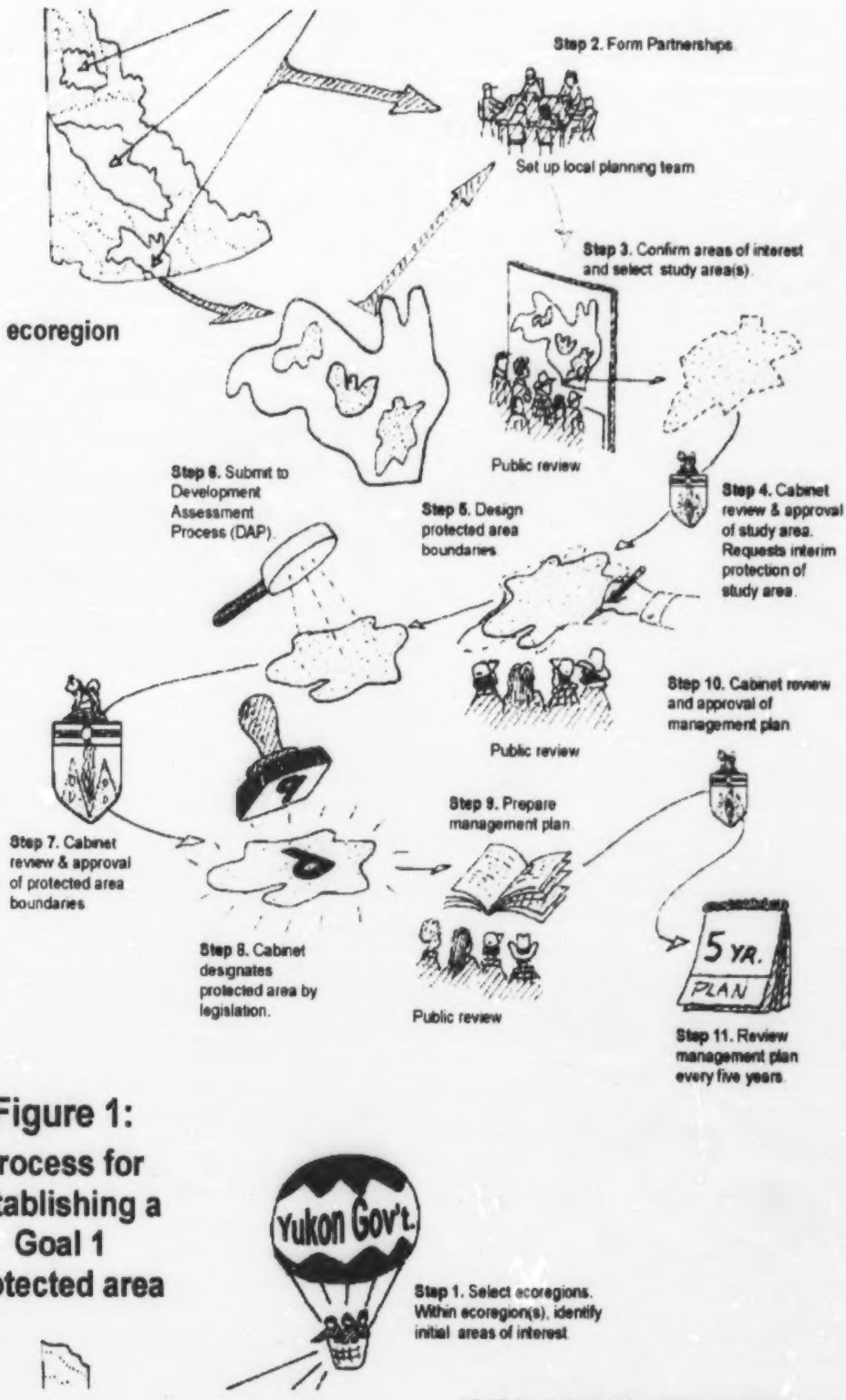

Step 2. Form Partnerships
Set up local planning team
Step 3. Confirm areas of interest and select study area(s).
ecoregion
Public review
Step 4. Cabinet review & approval of study area. Requests interim protection of study area.
Step 5. Design protected area boundaries
Step 6. Submit to Development Assessment Process (DAP)
Public review
Step 10. Cabinet review and approval of management plan
Step 7. Cabinet review & approval of protected area boundaries
Step 9. Prepare management plan
Step 8. Cabinet designates protected area by legislation.
Public review
5 YR. PLAN
Step 11. Review management plan every five years.
Yukon Gov't.
Step 1. Select ecoregions. Within ecoregion(s), identify initial areas of interest.

**Figure 1:**
**Process for establishing a Goal 1 protected area**

**Table 1: Detailed Procedures for Steps 1- 8 in the YPAS Process**

| YPAS STEPS | | PUBLIC INPUT | TYPE OF ASSESSMENTS | * Estimated Time |
|---|---|---|---|---|
| **Step 1** | **A. Determine Priority Ecoregions**<br>• Review Existing Data<br>• Discuss with Others<br>• Identify Priority Ecoregions<br>**B. Identify Areas of Interest**<br>• Assess Natural Values<br>• Identify Key Issues and Interests<br>• *(applying broad value assessments)*<br>• Identify Initial Areas of Interest | | • *Focus on natural & cultural values*<br>• *Mineral, oil and gas and other resources (e.g. forestry) to identify and avoid conflicts where options exist* | *4 – 6 months<br>*4 – 12 months |
| **Step 2** | **Build Local Partnerships - Establish the LPT**<br>• Prepare for Local Planning Team<br>• Establish Local Planning Team | | | *3 – 6 months |
| **Step 3** | **Select Proposed Study Area(s)**<br>• Confirm Areas of Interest *Public Workshop #1*<br>• Evaluate Areas of Interest<br>• Propose Study Area(s) *Public Workshop #2*<br>• *(applying more detailed value assessments)* | X<br>X | • *Detailed natural, cultural, resource and economic field work and assessments* | *6 - 12 months |
| **Step 4** | **Approve Study Area(s) & Interim Protection**<br>• Refer Study Area Proposal for Review and Cabinet Approval | | | *2 – 3 months |
| **Step 5** | **Design Protected Area Boundaries**<br>• Collect Additional Information<br>• *(applying final detailed value assessments)*<br>• Develop Final Proposal *Public Workshop #3* | X | • *Additional detailed natural, resource and economic values if required* | *3 – 4 months |
| **Step 6** | **Refer Final Proposal to DAP** | | | *1 – 2 months |
| **Step 7** | **Approve Protected Area Boundaries**<br>• Refer Final Proposal for Review and Cabinet Approval | | | *2 – 3 months |
| **Step 8** | **Designate & Permanently Withdraw Protected Area**<br>• Prepare Legal Boundary Descriptions<br>• Apply for Land Transfer & Permanent Withdrawal<br>• Make Final Designation | | | *6 - 12 months |

**Because these steps overlap, no attempt should be made to add the estimated times. Overall completion of the first seven steps, from identification to approval of protected areas, should take between 12 to 24 months.*

**Table 1: Detailed Procedures for Steps 1- 8 in the YPAS Process**

| YPAS STEPS | | PUBLIC INPUT | TYPE OF ASSESSMENTS | * Estimated Time |
|---|---|---|---|---|
| **Step 1** | **A. Determine Priority Ecoregions**<br>• Review Existing Data<br>• Discuss with Others<br>• Identify Priority Ecoregions<br>**B. Identify Areas of Interest**<br>• Assess Natural Values<br>• Identify Key Issues and Interests<br>• *(appl ing broad value assessments)*<br>• Identify Initial Areas of Interest | | • *Focus on natural & cultural values*<br>• *Mineral, oil and gas and other resources (e.g. forestr ) to identif and avoid conflicts where options exist* | *4 – 6 months<br>*4 - 12 months |
| **Step 2** | **Build Local Partnerships - Establish the LPT**<br>• Prepare for Local Planning Team<br>• Establish Local Planning Team | | | *3 – 6 months |
| **Step 3** | **Select Proposed Study Area(s)**<br>• Confirm Areas of Interest *Public Workshop #1*<br>• Evaluate Areas of Interest<br>• Propose Study Area(s) *Public Workshop #2*<br>• *(appl ing more detailed value assessments)* | ☆<br>☆ | • *Detailed natural, cultural, resource and economic field work and assessments* | *6 - 12 months |
| **Step 4** | **Approve Study Area(s) & Interim Protection**<br>• Refer Study Area Proposal for Review and Cabinet Approval | | | *2 – 3 months |
| **Step 5** | **Design Protected Area Boundaries**<br>• Collect Additional Information<br>• *(appl ing final detailed value assessments)*<br>• Develop Final Proposal *Public Workshop #3* | ☆ | • *Additional detailed natural, resource and economic values if required* | *3 - 4 months |
| **Step 6** | **Refer Final Proposal to DAP** | | | *1 – 2 months |
| **Step 7** | **Approve Protected Area Boundaries**<br>• Refer Final Proposal for Review and Cabinet Approval | | | *2 - 3 months |
| **Step 8** | **Designate & Permanently Withdraw Protected Area**<br>• Prepare Legal Boundary Descriptions<br>• Apply for Land Transfer & Permanent Withdrawal<br>• Make Final Designation | | | *6 - 12 months |

**Because these steps overlap, no attempt should be made to add the estimated times. Overall completion of the first seven steps, from identification to approval of protected areas, should take between 12 to 24 months.*



+1 +6

# 2. PREPARING NATURAL, SOCIO-CULTURAL AND ECONOMIC VALUES ASSESSMENTS

## 2.1 ROLE OF ASSESSMENTS

Based on its guiding principles, YPAS commits to establishing protected areas based on the best available traditional and local knowledge, and scientific information in an open, transparent and accountable manner. This will be done in a way that respects natural, social, cultural, intrinsic, aesthetic and economic values and ensures consideration of the range of interests that might be affected. Therefore the assessment of natural, socio-cultural and economic values is a critical component of the YPAS process. These assessments provide stakeholders, the public, the Local Planning Teams and governments with information necessary to make informed decisions when identifying and evaluating protected area options and designing final protected area boundaries.

These assessment descriptions are based on methodologies used in other jurisdictions and on the best technical information available in the scientific literature. The methodologies will continue to evolve as new and improved techniques and approaches emerge. While these assessment reports, summarized in Appendix 2, will guide the technical work of government departments, they do not necessarily reflect Yukon Government policy with respect to how final decisions are made related to the establishment of protected areas.

## 2.2 ORGANIZATION OF ASSESSMENTS IN THE YPAS PROCESS

Three key steps are provided in the YPAS process to identify and evaluate protected area options and design final boundaries. These steps include:

- **Step 1** - Identifying *Areas of Interest* (potential protected areas in ecoregion(s) based on broad YPAS objectives);
- **Step 3** - Selecting *Stud Areas* (an area of interest that is studied in greater detail); and
- **Step 5** - Designing *Final Boundaries* (a refinement of the study area by identifying boundaries based on further analysis).

Assessments may also be required for management planning (Steps 9 – 11) once a protected area has been established, but these are not addressed in this paper.

Natural, socio-cultural and economic assessments are carried out during each of the above three steps in progressively increasing levels of detail, for example from a broad scale of 1:1,000,000 for identifying areas of interest to a more detailed scale of 1:50,000 for designing final boundaries.

The Strategy recognizes that each protected area proposal will have its own unique set of social, economic and environmental considerations. Therefore not all assessments will deal with the same issues, nor will they need to be conducted to the same level of detail and, in some cases, certain assessments may not be required. Where they are required, assessments will be based on a consistent set of guidelines and procedures.

Summaries of technical papers are provided in Appendix 2 for the following types of assessments: Natural Values, Forest Resources, Cultural/Heritage Values, Mineral Resources,

Oil and Gas Resources, Recreation, Renewable Energy Resources, Tourism, Transportation and Other Economic Values.

Tables 2, 3 and 4 summarize how these assessments will be undertaken in each of the three steps described above. Figure 2 shows how these assessments will be used in Goal 1 protected area planning. The following tables present summary information on assessments in terms of:

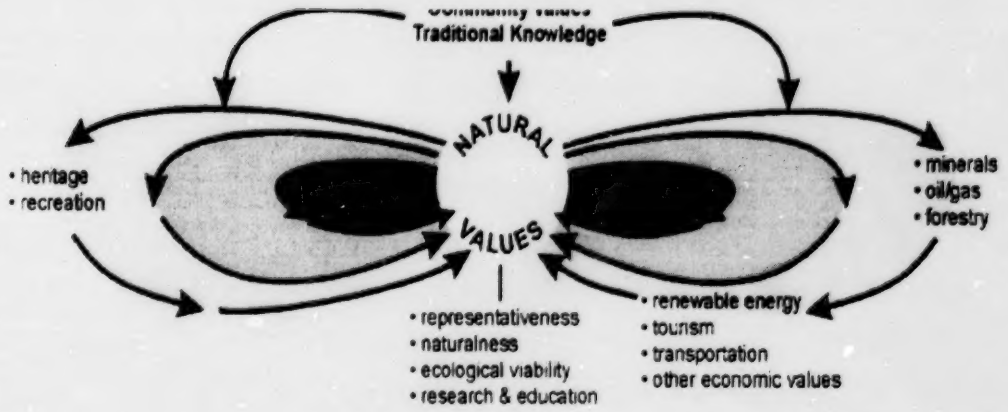
- **Natural Values** which include an assessment based on representation, ecological viability and naturalness criteria;

- **Social and Cultural Values** which include cultural/heritage and recreation. Community and traditional values are identified throughout the public consultation process.

- **Resource and other Economic Values** which include mineral, oil and gas, forestry, renewable energy and other industry and resource sectors, transportation, tourism and non-monetary economic assessments.

Natural values are the starting point of the overall assessment process and provide the focus for other assessments. Social and cultural values will be compiled into the assessments to help identify potential protected areas. Resource and economic values assessments will be integrated with the natural, social and cultural value assessments. The overall results will be used to assess potential compatible values (to assist in identifying areas for Goal 1 protection), and potential conflicting values (to be avoided where options exist).

**Multiple Accounts Analysis** (MAA) is a tool that is used to compile and compare the information gathered from all the values assessments and from public consultations. Designed to take into account all significant factors, the technique can be applied at different stages of the YPAS planning process, can allow for both temporal and spatial affects of potential impacts, and is used to describe implications of protected area options. Appendix 3 provides a description of how MAAs will be conducted.



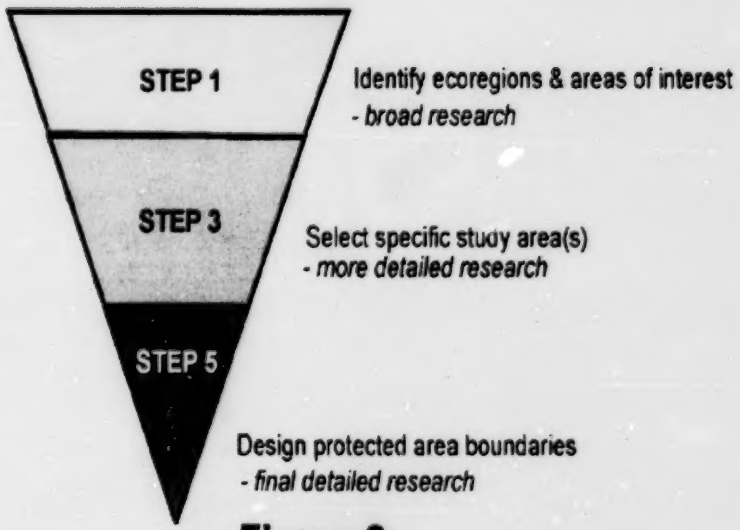




**Figure 2:**

**Role of Values Assessments in Planning Goal 1 Protected Areas**

Community Values



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**Table 2: How Assessments Apply to YPAS Step 1: Identify Areas of Interest**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 1: Identify Initial Areas of Interest**<br><br>Before starting the planning process, the Yukon Gov't. will compile all existing information and, in consultation with First Nations and key stakeholders, will identify initial areas of interest.<br><br>These will be referred to the Local Planning Team (LPT), which will be established in Step 2 to lead the public planning process.<br><br>The LPT will lead a public review of the initial areas of interest.<br><br>When identified, these areas of interest will be the basis for selecting the study area(s) in Step 3. | **Natural Values**<br><br>1. Natural /Ecological (see Appendix 2.1)<br>▪ These assessments are the primary assessments used for identifying potential areas of interest for protection of Goal 1 areas. These assessments will be based on: three primary criteria ( ecoregion representation, ecological viability and naturalness); other related criteria; biogeophysical and ecological factors; GIS analysis of existing data and field work; and review by local/traditional knowledge and scientific experts.<br><br>**Socio-cultural Values**<br><br>**1. Social and Community**<br><br>These values will be derived through discussions with local First Nations, municipal governments and Renewable Resource Councils.<br><br>2. Cultural/Heritage (see Appendix 2.3)<br>▪ These assessments are key, as the legacy to be preserved by protected areas is not only the natural environment and wildlife, but the history that is in the cultural landscape of the Yukon's First Nations and those who followed them.<br>▪ Heritage resource assessments involve assembling available information on traditional, archaeological, palaeontological and historical resources at a regional scale. The Yukon Heritage Branch maintains records and maps of known sites. The significance of heritage resources is defined in consultation with First Nations, the community, government agencies and scientists.<br><br>3. Recreation (see Appendix 2.6)<br>▪ These assessments use Recreational Features Inventory (RFI) data to describe the general recreational features to be found at the ecoregion scale. |

**Table 2: How Assessments Apply to YPAS Step 1: Identify Areas of Interest**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 1: Identify Initial Areas of Interest**<br><br>Before starting the planning process, the Yukon Gov't. will compile all existing information and, in consultation with First Nations and key stakeholders, will identify initial areas of interest.<br><br>These will be referred to the Local Planning Team (LPT), which will be established in Step 2 to lead the public planning process.<br><br>The LPT will lead a public review of the initial areas of interest.<br><br>When identified, these areas of interest will be the basis for selecting the study area(s) in Step 3. | **Natural Values**<br><br>1. Natural /Ecological (see Appendix 2.1)<br>▪ These assessments are the primary assessments used for identifying potential areas of interest for protection of Goal 1 areas. These assessments will be based on: three primary criteria ( ecoregion representation, ecological viability and naturalness); other related criteria; biogeophysical and ecological factors; GIS analysis of existing data and field work; and review by local/traditional knowledge and scientific experts.<br><br>**Socio-cultural Values**<br><br>**1. Social and Community**<br><br>These values will be derived through discussions with local First Nations, municipal governments and Renewable Resource Councils.<br><br>2. Cultural/Heritage (see Appendix 2.3)<br>▪ These assessments are key, as the legacy to be preserved by protected areas is not only the natural environment and wildlife, but the history that is in the cultural landscape of the Yukon's First Nations and those who followed them.<br>▪ Heritage resource assessments involve assembling available information on traditional, archaeological, palaeontological and historical resources at a regional scale. The Yukon Heritage Branch maintains records and maps of known sites. The significance of heritage resources is defined in consultation with First Nations, the community, government agencies and scientists.<br><br>3. Recreation (see Appendix 2.6)<br>▪ These assessments use Recreational Features Inventory (RFI) data to describe the general recreational features to be found at the ecoregion scale. |



+1 +5

**Table 2 (cont.) : How Assessments Apply to YPAS Step 1: Identify Areas of Interest**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 1: Identify Initial Areas of Interest** | **Resource and Other Economic Values**<br><br>1. Resources<br>▪ YPAS states that, where reasonable options exist, an effort will be made to avoid areas of high resource and development potential when identifying areas for protection. Resource assessments at this stage will be completed at a regional scale to identify these areas of high potential. This information will help identify and, where possible, avoid potential conflicts with conservation objectives.<br>a. Mineral (see Appendix 2.4)<br>▪ Regional Mineral Resource Assessments evaluate the mineral potential of an area using a recognized scientific methodology. They are based on the compilation of available regional geoscientific information.<br>b. Oil and Gas (see Appendix 2.5)<br>▪ These assessments are based on regional oil and gas assessments which identify petroleum potential using a statistical methodology developed by scientists with the Geological Survey of Canada and the National Energy Board.<br>c. Forestry (see Appendix 2.2)<br>▪ These assessments include reconnaissance inventories to identify timber and other forest use values<br>d. Renewable Energy Resources (see Appendix 2.7)<br>▪ These assessments include reconnaissance or feasibility studies at a broad scale to identify known potential hydro and wind power sites.<br><br>2. Tourism (see Appendix 2.8)<br>▪ These assessments use recreation (RFI) and other available data inventories, photographs, GIS maps and information on current commercial tourism activities to assess tourism values. Assets include location, access, existing infrastructure, geography, scenery, wilderness values, and suitability for recreational travel, and wildlife viewing, fishing, cultural and heritage values.<br><br>3. Transportation (see Appendix 2.9)<br>▪ These assessments include consideration of regional transportation needs to ensure there are practical land access routes.<br><br>4. Other Economic Values (see Appendix 2.10)<br>▪ These assessments may include agriculture, trapping, fishing, hunting, and non-monetary economic values, are identified. |

**Table 3: How Assessments Apply to YPAS Step 3: Select Study Area(s)**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 3: Select Study Area(s)**<br><br>Once a Local Planning Team has been established (Step 2), it will review the initial areas of interests and background rationale prepared by government.<br><br>The LPT will add local and traditional knowledge information and suggestions, hold an initial public workshop, and finalize the areas of interest to be considered for protection.<br><br>More detailed assessments will be completed as required to evaluate the implications of the different areas of interest.<br><br>A study area proposal will be recommended by the LPT following a second public workshop. | **Natural Values**<br><br>1. Natural/Ecological (see Appendix 2.1)<br>• These assessments will be based on an increased level of analysis of the criteria identified in Step 1.<br>• May require more detailed field work and assessment to address issues raised and gaps in information identified for the areas of interest and proposed study area(s). |
| | **Social and Cultural Values**<br><br>1. Social and Community<br>• These values will be assessed through the LPT public consultation process.<br><br>2. Cultural/Heritage (see Appendix 2.3)<br>• Oral history and field research are usually required to provide a progressively more detailed assessment of heritage values for an area.<br><br>3. Recreation (see Appendix 2.6)<br>• Yukon Parks and Outdoor Recreation Branch will use RFI data to describe and differentiate between the initial areas of interest. |

**Table 3: How Assessments Apply to YPAS Step 3: Select Study Area(s)**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 3: Select Study Area(s)**<br><br>Once a Local Planning Team has been established (Step 2), it will review the initial areas of interests and background rationale prepared by government.<br><br>The LPT will add local and traditional knowledge information and suggestions, hold an initial public workshop, and finalize the areas of interest to be considered for protection.<br><br>More detailed assessments will be completed as required to evaluate the implications of the different areas of interest.<br><br>A study area proposal will be recommended by the LPT following a second public workshop. | **Natural Values**<br><br>1. Natural/Ecological (see Appendix 2.1)<br>▪ These assessments will be based on an increased level of analysis of the criteria identified in Step 1.<br>▪ May require more detailed field work and assessment to address issues raised and gaps in information identified for the areas of interest and proposed study area(s). |
| | **Social and Cultural Values**<br><br>1. Social and Community<br>▪ These values will be assessed through the LPT public consultation process.<br><br>2. Cultural/Heritage (see Appendix 2.3)<br>▪ Oral history and field research are usually required to provide a progressively more detailed assessment of heritage values for an area.<br><br>3. Recreation (see Appendix 2.6)<br>▪ Yukon Parks and Outdoor Recreation Branch will use RFI data to describe and differentiate between the initial areas of interest. |

**Table 3 (cont.) : How Assessments Apply to YPAS Step 3: Select Study Area(s)**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 3: Select Study Area(s)** | **Resource and Other Economic Values**<br><br>1. Resources<br>a. Mineral (see Appendix 2.4)<br>• Detailed Mineral Resource Assessments evaluate the mineral potential of an area using a recognized scientific methodology. They are based on the compilation of available regional and detail geoscientific information and possible field work.<br>b. Oil and Gas (see Appendix 2.5)<br>• Assessments will be based on detailed oil and gas assessments with GIS support, expert consultations, and possible field work such as seismic, geological mapping and test holes as required.<br>c. Forestry (see Appendix 2.2)<br>• Assessments will be completed at a more detailed level and may include reconnaissance inventory work (north of 62 °), forest inventory (south of 62 °), new vegetation inventories (60 °-65 ° north and Old Crow when completed in 2002), and Timber Supply Analysis.<br>d. Renewable Energy Resource (see Appendix 2.7)<br>• Assessments will rank the relative importance of potential hydro sites. Field studies may be required to evaluate sites, to conduct stream flow monitoring, and site/field reconnaissance.<br><br>2. Tourism (see Appendix 2.8)<br>• Tourism Yukon will assess the quality, significance, and location of tourism assets, to identify potential compatible and competing resource uses. Assessments will identify current or recent tourism activities and consider potential activities based on comparisons to similar protected areas, and an analysis of market and product trends.<br><br>3. Transportation (see Appendix 2.9)<br>• These assessments are similar to Step 1 for examining transportation needs.<br><br>4. Other Economic Values (see Appendix 2.10)<br>• Existing and potential activities for other industry sectors (e.g. number of traplines, soil quality for agriculture, etc.)<br>• Major economic variables such as employment, income, output, costs and revenues may be estimated for major sectors and governments.<br>• Non-monetary impacts that may be significant and not considered elsewhere, i.e. assessment of traditional and ecological economics values. |

**Table 4: How Assessments Apply to YPAS Step 5: Final Boundaries**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 5: Design Final Boundaries**<br><br>Following Cabinet approval of the study area(s), the LPT will consider additional local input and finalize the proposal for the protected area.<br><br>This step addresses detailed issues affecting boundary design and will not usually result in major changes from the study area. It will result in recommended final protected area boundaries. | **Protected Area Values**<br>1. Natural/Ecological (see Appendix 2.1)<br>• If required, these assessments will be based on an increased level of analysis of the criteria identified in Step 1.<br>• May require final detailed field work and assessments to address issues raised regarding boundary design.<br><br>**Social and Cultural Values**<br>1. Social and Community Values<br>• These values will be derived through the public workshops and comments sheets submitted to the Local Planning Team during the public consultation process.<br>2. Cultural/Heritage (see Appendix 2.3)<br>• More detailed information may assist the Local Planning Team in recommending final boundaries for a protected area.<br>3. Recreation (see Appendix 2.6)<br>• Use recreational (RFI) data at varying scales and other data to refine study area proposals and design the final boundaries.<br><br>**Resource and Other Economic Values**<br>1. Resource<br>a. Mineral (see Appendix 2.4)<br>• Additional information / field work as required.<br>b. Oil and Gas (see Appendix 2.5)<br>• Additional information/fieldwork as required<br>c. Forestry (see Appendix 2.2)<br>• Forest or Vegetation Inventory and additional field work if required<br>d. Renewable Energy Resources (see Appendix 2.7)<br>• Where an overlap exists with a protected area proposal and important hydro, wind or other renewable energy resource potential; additional information and analysis supporting a comprehensive social, environmental, and economic assessment may be required.<br>2. Tourism (see Appendix 2.8)<br>• The analysis from Steps 3 and 5 will identify the locations of specific tourism values and areas of potential compatibility or conflict. Areas of concern will be identified using current use patterns, access nodes , existing or potential travel routes, and concentrations of high-quality tourism values.<br>3. Transportation (see Appendix 2.9)<br>• These assessments may require location studies and may involve map study at more detailed scales, analysis of aerial photography, and some level of ground truthing, with results recorded in brief report and maps.<br>4. Other Economic Values (see Appendix 2.10)<br>• Same as noted for Step 3 as required. |

**Note:** **Multiple Accounts Analysis** (MAA) (see Appendix 2.11)
MAAs can be used and designed to take into account all assessment factors considered in each of the three planning steps described in tables 2, 3 and 4.

**Table 4: How Assessments Apply to YPAS Step 5: Final Boundaries**

| YPAS Step | VALUE ASSESSMENTS |
|---|---|
| **Step 5: Design Final Boundaries**<br><br>Following Cabinet approval of the study area(s), the LPT will consider additional local input and finalize the proposal for the protected area.<br><br>This step addresses detailed issues affecting boundary design and will not usually result in major changes from the study area. It will result in recommended final protected area boundaries. | **Protected Area Values**<br>1. Natural/Ecological (see Appendix 2.1)<br>• If required, these assessments will be based on an increased level of analysis of the criteria identified in Step 1.<br>• May require final detailed field work and assessments to address issues raised regarding boundary design.<br><br>**Social and Cultural Values**<br>1. Social and Community Values<br>• These values will be derived through the public workshops and comments sheets submitted to the Local Planning Team during the public consultation process.<br>2. Cultural/Heritage (see Appendix 2.3)<br>• More detailed information may assist the Local Planning Team in recommending final boundaries for a protected area.<br>3. Recreation (see Appendix 2.6)<br>• Use recreational (RFI) data at varying scales and other data to refine study area proposals and design the final boundaries.<br><br>**Resource and Other Economic Values**<br>1. Resource<br>a. Mineral (see Appendix 2.4)<br>• Additional information / field work as required.<br>b. Oil and Gas (see Appendix 2.5)<br>• Additional information/fieldwork as required<br>c. Forestry (see Appendix 2.2)<br>• Forest or Vegetation Inventory and additional field work if required<br>d. Renewable Energy Resources (see Appendix 2.7)<br>• Where an overlap exists with a protected area proposal and important hydro, wind or other renewable energy resource potential; additional information and analysis supporting a comprehensive social, environmental, and economic assessment may be required.<br>2. Tourism (see Appendix 2.8)<br>• The analysis from Steps 3 and 5 will identify the locations of specific tourism values and areas of potential compatibility or conflict. Areas of concern will be identified using current use patterns, access nodes , existing or potential travel routes, and concentrations of high-quality tourism values.<br>3. Transportation (see Appendix 2.9)<br>• These assessments may require location studies and may involve map study at more detailed scales, analysis of aerial photography, and some level of ground truthing, with results recorded in brief report and maps.<br>4. Other Economic Values (see Appendix 2.10)<br>• Same as noted for Step 3 as required. |

**Note:** **Multiple Accounts Analysis** (MAA) (see Appendix 2.11)
MAAs can be used and designed to take into account all assessment factors considered in each of the three planning steps described in tables 2, 3 and 4.

# 3. CLARIFYING ROLES AND RESPONSIBILITIES IN THE YPAS PROCESS

## 3.1 INTRODUCTION

The purpose of this section is to describe the roles and responsibilities of participants in implementing the Yukon Protected Areas Strategy (YPAS) and to suggest ways to clarify them. Preparation of this section of the paper involved First Nation, federal and Yukon government participants who had experience in YPAS implementation and represented the full range of interests in the process. (A list of participating government departments is provided in the acknowledgements.) An external facilitator first met with individual departments to identify key issues and concerns with the implementation of YPAS over the last 18 months. Then in October 2000, the facilitator led group sessions with the participants to identify key issues related to implementing YPAS and to suggest possible approaches to addressing these issues.

As well as clarifying roles and responsibilities, two other issues were identified related to building stakeholder trust in the YPAS process and managing the protected areas establishment process according to the Strategy. The issue of managing the YPAS process is described in greater detail in the paper, *Draft Operating Procedures for the Goal 1 YPAS Process* (Appendix 1). This paper was prepared to identify specific activities that would occur during each step of the YPAS process when recommending a proposed protected area.

This part of the review is not meant to redefine all the roles and responsibilities, as they already are identified in *YPAS Technical Paper No. 1: Roles and Responsibilities for Implementation*. The objective is to identify and address areas requiring clarification and refinement. The ideas presented are suggestions upon which to formulate recommendations.

This section builds on the lessons learned from the YPAS experience to date with the ultimate objective of having a transparent process that will lead to informed decisions regarding protected areas, while respecting the economic, conservation and other goals of the Yukon. In the pursuit of this goal, the Yukon Cabinet will consider decisions related to protected areas in a broader public policy context which will consider a wide range of interests and may result in trade offs.

## 3.2 ADDRESSING ROLES AND RESPONSIBILITIES

### 3.2.1 First Nations

First Nations are involved in the YPAS process according to the Umbrella Final Agreement and individual First Nations Final Agreements. Future, bilateral government to government cooperative agreements may also define the relationships of First Nations and the Yukon Governments regarding protected areas planning and broader resource management regimes. First Nations with concluded self-government agreements have the jurisdiction to enact and administer laws related to Settlement Lands, resource harvesting and social programs (education, health, culture, social services, etc.); which may be relevant to protected areas.

Yukon First Nations that choose to participate in YPAS will be involved in all aspects of the application of the Strategy in their traditional territories as follows:

1) selecting priority ecoregions and initial broad areas of interest;

2) participating on Local Planning Teams;
3) determining with the Yukon Government the goals and scope for the LPTs; and
4) participating with the Yukon Government in the coordinated management of protected areas.

### 3.2.2 Yukon Government

The Yukon Government has responsibility to take a leadership role in protected areas planning, management and operations under the *Yukon Parks Act*, the *Yukon Wildlife Act*, the *Yukon Heritage Resources Act* and the *Yukon Environment Act*.

The Yukon Protected Areas Strategy is a corporate policy of the Yukon Government and as such is the responsibility of all departments to implement. Key participating departments include Economic Development, Community and Transportation Services, Executive Council Office, Tourism, including the Heritage Branch, and Renewable Resources, including the Fish and Wildlife Branch, Parks and Outdoor Recreation Branch and the YPAS Secretariat. These departments provide information and technical assessments related to natural, social, cultural, resource and economic values and ensure that these values are thoroughly considered in the planning process. Appendix 1 explains how and when these departments are involved in the planning process. Appendix 2 explains how these assessments will be prepared. The Secretariat takes a lead role in planning and establishing Goal 1 protected areas for ecoregion representation and to coordinate the overall implementation of the Strategy.

Decisions related to protected areas on Crown lands are made in consultation with affected First Nations, stakeholders and the public. The final authority for these decisions rests with the Yukon Government Cabinet, which will consider all perspectives and interests. At times this will result in difficult trade offs that attempt to balance competing interests.

The Yukon Government will also:

1) inform the public of YPAS through an ongoing communications program (use a strategic communications plan, explain how the process works, its relation to special management areas, etc.);

2) Provide the linkage between YPAS and other existing land use planning initiatives (regional land use planning, forestry management planning, oil and gas disposition process, etc.); and

3) Manage and operate protected areas under Yukon jurisdiction in consultation with affected First Nations.

### 3.2.3 Federal Government

Based on its current land and resource management responsibilities in the Yukon, the federal government is a participant in the YPAS process. The Departments of Indian and Northern Affairs, Environment, and Fisheries and Oceans and the Parks Canada Agency provide ongoing advice and assistance to the Yukon Government in implementing the Strategy. Originally, according to YPAS, the federal government was a voting member of the Local Planning Team. The federal government has reviewed its participation and has adopted an advisory role to the Local Planning Team and continues to play an administrative role in the planning process.

The federal government's roles and responsibilities include:

1) Processing land withdrawals for protection,

2) Administering land transfers,

3) Providing land tenure information,

4) Preparing resource assessments (forestry, and assisting with minerals), and

5) Serving as members of the YPAS Steering Committee (senior policy advisory committee) and Government Working Group.

### 3.2.4 Local Planning Team

The Local Planning Team (LPT) leads the public consultation process and develops protected area proposals. These proposals are then recommended to the Yukon Government.

The LPT will be made up of representatives from: affected First Nation(s), the affected Renewable Resource Council and two or three non-governmental organizations or stakeholders (to provide balanced representation of conservation, industry and tourism interests). Where established, land use planning commissions and when impacted, municipalities will be invited to participate on the LPT. Sections 3.2.3 and 3.5 describe the revised roles of the federal and Yukon governments on the Local Planning Team.

In Section 3.5, suggestions are proposed to clarify issues related to:

1) Determining the relationship of the LPT to the Yukon Government,

2) Reflecting a balance of interests on the LPT, and

3) Receiving clear directions from the Yukon Government.

### 3.2.5 Other Participants

While described in *YPAS Technical Paper No. 1*, clarifying the roles and responsibilities of boards and committees, stakeholders and the general public were not considered.

## 3.3 BUILDING TRUST IN THE YPAS PROCESS

Trust is a critical factor for implementing the YPAS successfully. Over the last 18 months, three principal factors have influenced the issue of trust:

1) the need to apply the planning process as foreseen in the Strategy;
2) the need for all interests to feel adequately represented; and
3) the need for clarity of the roles and responsibilities of participants including the larger public policy context for resource planning in the Yukon.

Strategy goals and guiding principles provide a foundation for building trust. The Strategy provides the basic process for planning and public involvement. Appendix 1 provides additional details in relation to the planning process and how to implement it in a transparent manner with

clear direction. Ultimately, to achieve this, sufficient time is required for all steps to be completed and to allow for full participation by stakeholders and the public.

### 3.4 TIMING OF PARK DESIGNATION

In addition to broad process concerns, a specific issue has been identified, which relates to when protected area designation through legislation should occur relative to management planning.

Currently designation precedes the completion of a management plan, which creates a regulatory and operational vacuum. While the subsurface withdrawal and land transfer would continue after a protected area is approved, the process could be amended to allow management planning to occur prior to designation. Advancing management planning in the YPAS process would provide the necessary tools to manage and operate protected areas at the time that they are designated. An alternate means to address this issue may be to create regulations under the *Yukon Parks Act* that allow for interim operations while a management plan is being prepared.

### 3.5 RESPONSES AND SUGGESTED APPROACHES

The following suggested approaches respond to the issues of clarifying roles and responsibilities, building trust, and addressing specific YPAS process issues:

#### The Yukon Government

1) The Yukon Government, through the YPAS Secretariat, is responsible and accountable to adval)-T the achievement of the goals of the YPAS by facilitating and coordinating the planning process and providing technical support to the Local Planning Team. To achieve this role and effectively manage the process, it is suggested that the Yukon Government continue to co-chair the LPT but not participate as a voting member.

2) Achieving balanced representation on the Local Planning Team is a critical factor in successfully implementing the Strategy. To that end, it is suggested that the role of LPT members would be to represent broad public rather than narrow constituent interests, and that the Yukon Government appoint members to the LPT based on a list of nominees provided by the key conservation, industry and local interest groups.

#### The Local Planning Team

3) Clear direction to and expectations of the LPT are also essential to successfully implementing the Strategy. Therefore it is suggested that a **scoping document** would be prepared by the Yukon Government in consultation with the affected First Nations to establish the planning context, assumptions, goals, principles and key issues to be addressed. Furthermore, **terms of reference** would be drafted by the Yukon Government to identify LPT roles, responsibilities, protocols and operating guidelines. **A work plan** to outline tasks, schedules and budgets, and **communications/consultations plan** to identify audiences, messages and methods would also be drafted. These documents would be reviewed and finalized at the first LPT meeting. LPT orientation and training would also be provided with respect to the goals of YPAS, how the process is implemented, and options for public and stakeholder involvement.

4) In addition to receiving clear direction, the LPT will require ongoing input and advice from government related to technical information, assessments and policy positions. To achieve this, an interdepartmental government working group would be established, with its chair participating regularly in LPT meetings as a non-voting member.

**Values Assessments**

5) Natural, socio-cultural and economic values assessments are critical components of the YPAS planning process and in protected areas decision making. Clear and transparent methodologies are required to explain how these assessments will be done and incorporated. Section 2 and Appendix 2 of this paper describe how these assessments will be conducted.

**Public Understanding and Participation**

6) Effective public understanding of and participation in the YPAS process are other prerequisites for success. To that end, a communication program would be developed to explain the purpose of YPAS and how the process is implemented. Sufficient time will be provided to ensure that all steps of the planning process are conducted in a manner that the public can fully participate. When necessary, an externternal faor would be employed to build consensus among stakeholders.

**Timing of Park Designation**

7) Direction is being sought on the question of when a protected area should be legally designated. Currently designation precedes the completion of a management plan, which creates a regulatory and operational vacuum. Therefore, while the process of subsurface withdrawal and land transfer would continue after a protected area is approved, it is suggested that the process be amended to allow management planning to occur prior to designation. An alternate means to address this issue may be to create regulations under the *Yukon Parks Act* that allow for interim operations while a management plan is being prepared.

# 4. LEGISLATING THE YUKON PROTECTED AREAS STRATEGY

## 4.1 INTRODUCTION

This section of the YPAS Implementation Review paper describes how to ***enable*** the Yukon Protected Areas Strategy in legislation. Options to ***enshrine*** the YPAS implementation process are also presented. Both these terms have been used recently in relation to legislating parts or all of the Strategy.

- ***Enabling*** means creating legislation that *allows* for the implementation of the Strategy in accordance with its goals and guiding principles.
- ***Enshrining*** means creating legislation that *requires* certain steps or key aspects of the Strategy to be followed.

## 4.2 SCOPE

The *Yukon Parks Act* requires amendments in a number of areas to ensure that the legislative tools necessary are in place to establish and man.Tmanage&l)-Ttected areas in accordance with the objectives of the YPAS. This is described in more detail later, but a good example is that the Strategy uses park classification terms that are not mentioned in the current act.

This section also contains a discussion of a number of options for "enshrining" the YPAS. These options focus primarily on Goal 1 areas, since this is where the greatest current need is, and since most Goal 2 areas will follow other legislation or processes already in place (for example Canadian Heritage Rivers or Habitat Protection Areas).

This section of the paper focuses on the substantive differences between the various options to enshrine YPAS in legislation. The specific details of how each option could be implemented are not described. Regulations can be used in each option to describe the process details, and thus strike a balance between the need for certainty as well as flexibility. This balance is ensured because while the Commissioner in Executive Council passes regulations without being debated in the Legislative Assembly, public consultations on any proposed regulations are required according to the *Yukon Environment Act*.

## 4.3 ENABLING THE YUKON PROTECTED AREAS STRATEGY

Regardless of how YPAS is enshrined, there is a need to initially enable YPAS by amending the *Yukon Parks Act* to provide an administrative framework to implement the Strategy. The Department of Renewable Resources in consultation with the Department of Justice will prepare these amendments for public review. Introduction of the amendments to the legislature is proposed for the fall of 2001.

Some examples of required administrative changes include:

- **Ministerial Authority** – to reflect Cabinet's authority in relation to parks

- **Park Classification Scheme** – to reflect the terminology used in the Protected Areas Strategy.

- **Park Master Plan** – to reflect the management plan terminology used in the Protected Areas Strategy.

- **Park Zoning** – to include zones which would be appropriate for use in implementing the Protected Areas Strategy.

- **Public Participation** – the current section is dated as written, and does not reflect the current public participation processes.

## 4.4 OPTIONS FOR ENSHRINING THE YPAS PROCESS IN LEGISLATION

The Yukon Protected Areas Strategy identified the goals and objectives of the Yukon Government with regards to protected areas planning. The Strategy also details a process which government, in consultation with key stakeholders, has developed for the establishment of protected areas. In recognition of the difficulties that were encountered during the first YPAS initiative, commicommitmeave been made to "enshrine the YPAS in legislation" in order to ensure that the process is followed as originally envisioned.

Three options have been considered for enshrining the YPAS process.
Each option builds on the one before it and adds in another level of detail:

1) State the goals and guiding principles of YPAS in legislation and explicitly state an intent and commitment to follow the process described in the Strategy;
2) In addition to option 1, enshrine the eleven process steps by referencing them by name in legislation;
3) In addition to including the eleven YPAS process steps in legislation, enshrine key aspects of the Strategy, for example:
   - Selecting core protected areas based on ecoregion representativeness, ecological viability, naturalness and research and education values;
   - Identifying the timing of requests for interim withdrawal orders;
   - Committing to completing natural, socio-cultural and economic values assessments; and
   - Avoiding, where reasonable options exist, areas of high mineral potential and development activity.

### 4.4.1 Option One:

**State the goals and guiding principles of YPAS in legislation and explicitly state an intent and commitment to follow the process described in the Strategy.**

**Description:**

This option would state the goals and guiding principles of the YPAS, with a focus on the purpose of establishing Goal 1 protected areas. A commitment would also be included in the legislation to implement the process according to the YPAS. Key process aspects of the Strategy would be inferred rather than explicitly stated. There may be a need to include a reference to regulations to provide some additional details.

**Discussion:**

This option may provide the appropriate balance between committing government to follow the YPAS, while allowing some flexibility to streamline the process as provided for in the Strategy. Since the Strategy itself includes the obligation for a 5-year review, it may not be wise to enshrine specific process details in an act. Including certain process details in regulations could offset potential concerns that a flexible approach does not satisfy the need for certainty. Because of the link to the *Environment Act* this provides assurance that the public will review any changes considered to the process that are in regulations. Modern legislative drafting is focussed on making a law enabling, rather than prescriptive. For this reason, other jurisdictions in Canada have recommended that Yukon avoid legislating the details of a process.

### 4.4.2 Option Two:

**Enshrine the eleven YPAS process steps by specifying each one in legislation.**

**Description:**

This option builds on Option One, and would explicitly commit to following the 11 YPAS process steps, mentioning them by name, specifically:

1. Identify the fir firstegions and areas of interest where work will begin,
2. Build the partnerships,
3. Select a study area,
4. Review and approval of study area(s) by government,
5. Complete the protected area proposal,
6. Refer the final proposal to the Development Assessment Process,
7. Review and approval of final proposal by government,
8. Designate the protected area,
9. Prepare a management plan,
10. Review and approval of the management plan by government, and
11. Review of the management plan.

**Discussion:**

Specifically naming the steps would provide more certainty as to how the Strategy is to be followed. While this approach provides more certainty, it is less flexible than Option One. As provided for in the Strategy, mechanisms would be required to streamline, accelerate or combine certain steps if there is sufficient reason and agreement to do so (for example in areas where there are no conflicting values and there is broad public support). The conditions necessary to allow for such changes to the process would, of course, need to be spelled out in the legislation.

### 4.4.3 Option Three:

**In addition to including the eleven YPAS process steps in legislation, enshrine key aspects of the Strategy, for example:**

- **Selecting core protected areas based on ecoregion representativeness, ecological viability, naturalness, and research and education values;**
- **Identifying the timing of requests for interim withdrawal orders;**
- **Committing to completing natural, socio-cultural and economic values assessments; and**
- **Avoiding, where reasonable options exist, areas of high mineral potential and development activity.**

**Description:**

This option builds on Option Two, and in addition to identifying the steps, adds more detail and certainty by explicitly referencing key aspects of the YPAS process.

**Discussion:**

For some, this option may provide greater certainty. Depending on the number of "key aspects" that are suggested for inclusion, however, and the level of detail that is required for each, the resulting legislation could be very detailed, inflexible and prescriptive in nature. As such it would not follow the standard model for modern legislation, which is to provide a general enabling framework and to use regulations, policy and directives for implementation.

Establishing this level of detail in legislation may be viewed as contrary to Government's efforts to reduce cumbersome legislation under its *Code of Regulator Conduct* . As mentioned previously, given that the YPAS includes a regular five-year review, it may also be cumbersome to put into legislation process details that may need to be altered every five years.

## BIBLIOGRAPHY OF YPAS RESOURCE MATERIALS

The following reports were all prepared by or for the Yukon Government.
Other than the 1998 Strategy and technical papers, all of the other sources are detailed technical reports upon which the relevant summaries in Appendix 2 are based.


**Dept. of Economic Development**

2000 *Mineral Resource Assessment Process.* Prepared by Mineral Resources Branch. 11 p. (Copies are available from the Mineral Resources Branch, Dept. of Economic Development, tel. 667-3438.)

2000 *Other Economic Values – Summar of Criteria and Assessment Paper* . 22 p. Note – Only the first four pages of this document appear in this report, without references or appendices. (Copies are available from Economic Research and Analysis, Dept. of Economic Development, 667-5946.)

2000 *Yukon Protected Areas Strateg : Oil and Gas Resource Assessment Process.* Prepared for Oil and Gas Resources Branch. 11 p.
(Copies are available from Oil and Resources Branch, Dept. of Economic Development, tel. 667-3427.)

**Dept. of Renewable Resources**, Yukon Protected Areas Secretariat

2000 *Natural Values Criteria and Assessment for the Identification of Protected Areas in the Yukon.* 46 p.

1998 *Wild Spaces, Protected Places: A Protected Areas Strateg for the Yukon* .

1998 *Yukon Protected Areas Strateg : Technical Papers.*

No. 1 Roles and Responsibilities for Implementation
No. 2 Types of Protected Areas and Criteria for Selection
No. 3: Planning and Establishing Protected Areas
No. 4: Protected Areas and Yukon First Nation Final Agreements
No. 5: Socio-economic Assessments of Protected Areas
No. 6: Interim Protection and Third Party Interests
No. 7: Reviewing and Updating the Strategy

*Yukon Protected Areas Strateg : Work Plan* (updated annually)

(Copies of all these documents are available from the Yukon Protected Areas Secretariat, tel. 667-5639.)

**Dept. of Tourism**

2000 *Assessing Tourism Benefits in Yukon Protected Areas: Recommendations on Methodolog for Tourism Yukon and YPAS.* Draft report prepared for Tourism Yukon by TransNorthern Management Consulting.
(Copies are available from Tourism Yukon, tel. 667-5632.)

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**Roles & Responsibilities Discussions:**

**First Nations**

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Vuntut Gwichin First Nation

**Canada**

Indian and Northern Affairs
Fisheries and Oceans
Parks Canada

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**Resource Assessment Reports:**

**Canada**

DIAND: Forest Resources

**Yukon**

Community and Transportation Services
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